IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 20957 of 2003

Between:

Satya N.v. s/o late Basaveswara Rao
LPCT, Gujarati Vidyalaya, Vijayawada-520 001

..... PETITIONER

AND

1 Government of Andhra Pradesh repby its Secretary School Education, Secretariat, Hyderabad
2 The Commissioner and Director of School Education, Government of AP Hyderabad
3 District Educational Officer, krishna district, Machilipatnam AP
4 LPCT. Gujarati Vidyalaya, RR Appa Rao Street, Vijayawada pin 520 001

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate Writ or order or direction: (a) declaring that the Memo bearing No. 6613/PS.I/2003-1 dt 7-7-2003 issued by the first respondent as arbitrary, illegal and unjust, 9b) declaring that the action of the respondents in not absorbing the petitioner as Craft Teacher in aided service in the 4th respondent school, as arbitrary, illegal and unjust and issue a Consequential direction directing the respondents to absorb the petitioner as Craft Teacher in aided service with all consequential benefits

Counsel for the Petitioner:KUM.C.SINDHU KUMARI

Counsel for the Respondents: G.P. for School Education.

The Court made the following :

ORDER:

Heard both sides and at their request the main Writ Petition itself is taken up for disposal.

Petitioner herein, who has been working as Craft Teacher with the fourth respondent School herein, filed this Writ Petition, inter alia, seeking for Mandamus challenging the correctness of the impugned proceedings dated 7.7.2003, rejecting his case or converting her post of Craft Teacher into that of an aided one and also declare that the action of the respondents in not absorbing the petitioner as Craft Teacher in aided service with the 4th Respondent School as arbitrary and illegal.

The brief facts of the case are that the petitioner was appointed on 26.9.1995 in the 4th respondent School as a Craft Teacher and subsequently, as per the proceedings dated 20th January 1996, the third respondent-competent authority has sanctioned one un-aided Crafts Post to the said school. In view of the same, petitioner has made a representation to the authorities for converting the said post into aided one, which was rejected by the respondents as per the order dated 7.7.2003 inter alia on the ground as per the permitted staff pattern as contemplated in G.O.Ms.No. 39 dated 3.5.2002, the question of sanctioning such aided post does not arise.

Having heard the learned counsel on either side and also on perusal of the material, the only question that calls for consideration is as to whether the petitioner has any right to seek such conversion of the existing post with the fourth respondent or not.

The learned counsel appearing on either side also brought to the notice of this court the subsequent proceedings of the Government issued in Memo No. 18598/PS-2/2004-1 dated 23.12.2004, wherein it was clarified as to whether the petitioner's request can be considered for the purpose of transferring her to a Municipal School in a aided post.

Having regard to such proceedings and especially there being no bar much less any letters not to transfer the petitioner to Municipal Corporation Schools, it would suffice in the interest of justice to direct the respondents to consider the case of the petitioner and pass appropriate orders in accordance with law instead of converting the existing post with the fourth respondent to that of aided post.

Accordingly, the Writ Petition is disposed of directing the respondents to consider the request of the petitioner and transfer her to Municipal Corporation Schools, Vijayawada and pass appropriate orders in accordance with law. It is needless to mention till the finalization of the said aspect, the petitioner shall not be disturbed from the fourth respondent School.

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29.12.2004

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To

1. The Secretary, Government of Andhra Pradesh, School Education, Secretariat, Hyderabad
2 The Commissioner and Director of School Education, Government of AP Hyderabad
3 District Educational Officer, krishna district, Machilipatnam AP
4 LPCT. Gujarati Vidyalaya, RR Appa Rao Street, Vijayawada pin 520 001.

5. 2 CCs to G.P. for School Education, High Court of A.P., Hyderabad. (OUT)

6. 2 CD copies.